

House Bill 37

By: Representative Parham of the 141st

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails, so as to provide that persons confined in jail who are under the care and supervision of the Department of Human Resources for mental health reasons are transferred from the jail to a mental health facility until trial; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails, is amended by adding a new Code section to read as follows:

"42-4-6.1.

(a) When any person in the custody or under the care and supervision for mental health reasons of the Department of Human Resources or one of its mental health facilities is confined in the common jail awaiting trial for any offense against the penal laws of this state, the Department of Human Resources shall provide for the person's delivery to an institution or mental health facility as may be approved and supported by the Department of Human Resources within 15 days of confinement in the common jail. He or she shall be delivered and received in such institution or facility until a competency determination is made pursuant to Part 2 of Article 6 of Chapter 7 of Title 17 or until a trial, as applicable.

(b) The period of time a person is confined in a hospital or institution pursuant to subsection (a) of this Code section shall be credited upon any jail sentence being served by him or her, in the same manner as though he or she had remained in jail. Any person committed for any civil or criminal contempt shall remain for all purposes under the orders, jurisdiction, and authority of the court committing him or her for contempt while in the hospital or institution, in the same manner as though he or she had remained in the common jail."

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- SECTION 2.
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- All laws and parts of laws in conflict with this Act are repealed.